

REMARKS

The Examiner has restricted the claims in this case into four Groups. Applicants elect the claims of Group I (Claims 1-24 and 72-74) with traverse.


The Examiner has separated the claims into four Groups for restriction. Group I claims are characterized as drawn to a substrate for hybridization and a kit for detection of a genetic target. Group II claims (claims 25-32) are characterized as directed to a method of preparing a substrate for hybridization. Group III claims (Claims 33-47) are characterized as directed to a method for hybridizing nucleic acids to a substrate. Group IV (Claims 48-71 and 75-77) characterized as directed to a method of detecting the presence of a genetic target. Applicants respectfully traverse the restriction with respect to claims of Group I, II and III.

The Examiner characterizes the Groups of claims as related "as product and process of use." Applicant submits that this characterization is incorrect for the claims of Groups I-III. These three groups of claims are product (the substrate claims of Group I), a process of making the product (the method claims of Group II) and a method of using the product (the method claims of Group III). When claims are related in this way, the claims the product function as linking claims between the other two groups of claims. This relationship and the function of the process of making claims as linking claims is discussed in MPEP 809.03 note linking claim definition D. As indicated in paragraph 8.12 in this section of the MPEP "(U)upon allowance of the linking claim(s), the restriction requirement shall be withdrawn and any claim(s) depending from or otherwise containing all the allowable linking claim(s) will be entitled to examination..."

Applicant submits that the substrate claims of Group I are allowable product claims and respectfully requests withdrawal of the restriction requirement and examination of all of the claims of Groups I, II and III.

Further, Applicants note that the relatedness of the groups of claims is indicated by the overlapping class and subclass groups into which the claims are classified. This indicates that the examination of all of the claims of Groups I-III in this application should not represent a significant burden upon the patent office.

Respectfully submitted,


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